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Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption

The General Assembly,

Recalling its resolutions 54/205 of 22 December 1999, 55/61 of 4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001 and 57/244 of 20 December 2002, and recalling also its resolutions 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19 December 2007, 63/226 of 19 December 2008, 64/237 of 24 December 2009 and 65/169 of 20 December 2010,

Welcoming the entry into force on 14 December 2005 of the United Nations Convention against Corruption,[1]

Recognizing that fighting corruption at all levels is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication and sustainable development,

Recognizing also that supportive domestic legal systems are essential in preventing and combating corrupt practices, facilitating asset recovery and returning the proceeds of corruption to legitimate owners,

Bearing in mind that the return of assets is one of the main objectives and a fundamental principle of the United Nations Convention against Corruption and that the States parties to the Convention are obligated to afford one another the widest measure of cooperation in that regard,

[1] United Nations, *Treaty Series*, vol. 2349, No. 42146.

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Recalling the purposes of the Convention, including to promote the integrity, accountability and proper management of public affairs and public property,

Reaffirming the obligations set out in chapter V of the Convention, in order to prevent, detect and deter in a more effective manner the international transfer of proceeds of crime and to strengthen international cooperation in asset recovery,

Acknowledging that the fight against all forms of corruption requires comprehensive anti-corruption frameworks and strong institutions at all levels, including at the local level, able to undertake efficient preventive and law enforcement measures in accordance with the Convention, in particular chapters II and III,

Recognizing that the success of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption depends on the full commitment and constructive engagement of all States parties to the Convention in a progressive and comprehensive process, and recalling in that regard resolution 3/1 of the Conference of the States Parties to the Convention,[2] including the terms of reference of the Mechanism contained in the annex to that resolution,

Bearing in mind that the prevention and eradication of corruption is a responsibility of all States and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, if their efforts in this area are to be effective,

Reaffirming its concern about the laundering and transfer of stolen assets and proceeds of corruption, and stressing the need to address this concern in accordance with the Convention,

Noting the efforts made by all States parties in tracing, freezing and recovering their stolen assets, in particular States parties in the Middle East and North Africa, taking into consideration recent developments in those States in fighting corruption, and the efforts of and willingness expressed by the international community to assist them in the recovery of those assets in order to preserve stability and sustainable development,

Recognizing that States continue to face challenges in recovering assets owing to, inter alia, differences among legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of corruption proceeds, and noting the particular challenges posed in recovering the proceeds of corruption in cases involving individuals who are or have been entrusted with prominent public functions and their family members and close associates,

Concerned about the difficulties, particularly the practical difficulties, that both requested and requesting States face in asset recovery, taking into account the particular importance of the recovery of stolen assets for sustainable development and stability, and noting the difficulty of providing information establishing a link between proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases can be difficult to prove,

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[2] See CAC/COSP/2009/15.

Reiterating its concern about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and the values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law, in particular when an inadequate national and international response leads to impunity,

1. *Takes note* of the report of the Secretary-General;[3]

2. *Condemns* corruption in all its forms, including bribery, as well as the laundering of proceeds of corruption and other forms of economic crime;

3. *Expresses concern* about the magnitude of corruption at all levels, including the scale of stolen assets and proceeds of corruption, and in this regard reiterates its commitment to preventing and combating corrupt practices at all levels, in accordance with the Convention;

4. *Welcomes* the significant number of Member States that have already ratified or acceded to the United Nations Convention against Corruption,[1] and in this regard urges all Member States and competent regional economic integration organizations, within the limits of their competence, that have not yet done so to consider ratifying or acceding to the Convention as a matter of priority, and calls upon all States parties to fully implement the Convention as soon as possible;

5. *Takes note with appreciation* of the work carried out under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and by the Implementation Review Group, and urges Member States to continue to support this work and make every possible effort to provide comprehensive information and adhere to the timelines for review as contained in the guidelines for governmental experts and the secretariat in the conduct of country reviews;

6. *Also takes note with appreciation* of the work of the Open-ended Intergovernmental Working Groups on Asset Recovery and on Prevention of Corruption and the open-ended dialogue with international organizations, welcomes the establishment of the Open-ended Intergovernmental Expert Meeting on International Cooperation, and calls upon States parties to the Convention to support the work of these bodies, including the work of the Implementation Review Group on technical assistance, as well as the continuing work of the Open-ended Intergovernmental Working Groups on Asset Recovery and on Prevention of Corruption;

7. *Renews* the commitment of all States parties to the Convention to effective national action and international cooperation to give full effect to chapter V of the Convention and to contribute effectively to the recovery of the proceeds of corruption;

8. *Urges* Member States to combat and penalize corruption in all its forms as well as the laundering of proceeds of corruption, to prevent the transfer and laundering of proceeds of corruption and to work for the prompt recovery of such assets in accordance with the principles of the Convention, including chapter V;

9. *Urges* States parties that have not already done so to designate a central authority for international cooperation in accordance with the Convention and,

[3] A/67/96.

where appropriate, focal points for asset recovery, and also calls upon States parties to give timely consideration to the requests for assistance made by such authorities;

10. *Encourages* States parties to the Convention to use and promote informal channels of communication, in particular prior to making formal requests for mutual legal assistance, by, inter alia, designating officials or institutions, as appropriate, with technical expertise in international cooperation in asset recovery to assist their counterparts in effectively meeting requirements for formal mutual legal assistance;

11. *Calls upon* States parties to the Convention to remove barriers to asset recovery, including, inter alia, by simplifying their legal procedures and preventing abuse of those procedures;

12. *Welcomes* the outcomes of the fourth session of the Conference of the States Parties to the United Nations Convention against Corruption, held in Marrakech, Morocco, from 24 to 28 October 2011, and calls upon States parties to fully implement the resolutions of the Conference;[4]

13. *Calls upon* States parties to the Convention to afford one another the widest possible cooperation and assistance in the identification and recovery of stolen assets and proceeds of corruption and to give particular and timely consideration to the execution of international mutual legal assistance requests, in accordance with the Convention, and to afford one another the widest possible cooperation and assistance in the extradition of individuals accused of the predicated offences, in accordance with their obligations under the Convention;

14. *Urges* States parties to the Convention to ensure that procedures for international cooperation allow for the seizure and restraint of assets for a time period sufficient to preserve those assets in full pending proceedings in another State and to allow or expand cooperation in the enforcement of foreign judgements, including through awareness-raising for judicial authorities, in accordance with the provisions of the Convention;

15. *Encourages* Member States, where appropriate and consistent with their domestic legal system, to consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption;

16. *Also encourages* Member States to fight against all forms of corruption by increasing transparency, integrity, accountability and efficiency in the public and private sectors, and recognizes, in this regard, the need to prevent impunity by prosecuting corrupt officials and those who corrupt them and to cooperate in their extradition, in accordance with the obligations under the Convention;

17. *Stresses* the need for transparency in financial institutions, invites Member States to work on the identification and tracing of financial flows linked to corruption, the freezing or seizing of assets derived from corruption and the return of such assets, in accordance with the Convention, and encourages the promotion of human and institutional capacity-building in that regard;

18. *Calls upon* States parties to the Convention to give timely consideration to mutual legal assistance requests relating to the identification, freezing, tracing and/or recovery of proceeds of corruption, and to respond effectively to requests for exchange of information related to proceeds of crime, property, equipment or other

[4] See CAC/COSP/2011/14.

instruments referred to in article 31 of the Convention, situated in the territory of the requested State party, in accordance with the provisions of the Convention, including article 40;

19. *Welcomes* the efforts of Member States that have enacted laws and taken other positive measures in the fight against corruption in all its forms, and in this regard encourages Member States that have not yet done so to enact such laws and to implement effective measures at the national level, in accordance with the Convention;

20. *Reaffirms* the need for Member States to take measures to prevent the transfer abroad and laundering of assets derived from corruption, including to prevent the financial institutions in both countries of origin and destination from being used to transfer or receive illicit funds, as well as to assist in their recovery and to return such assets to the requesting State, in accordance with the Convention;

21. *Urges* all Member States to abide by the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law and the need to safeguard integrity and to foster a culture of transparency, accountability and rejection of corruption, in accordance with the Convention;

22. *Calls for* further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer and laundering of proceeds of corruption, in accordance with the principles of the Convention, and in this regard encourages close cooperation between anti-corruption agencies, law enforcement agencies and financial intelligence units;

23. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention and to discharge its functions as the secretariat of the Conference of the States Parties to the Convention, and also requests the Secretary-General to ensure that the Mechanism for the Review of Implementation of the Convention is adequately funded, consistent with the resolution adopted by the Conference of the States Parties;[5]

24. *Reiterates its call upon* the private sector, at both the international and the national levels, including small and large companies and transnational corporations, to remain fully engaged in the fight against corruption, notes in this context the role that the Global Compact can play in fighting corruption and promoting transparency, and emphasizes the need for all relevant stakeholders, including within the United Nations system, as appropriate, to continue to promote corporate responsibility and accountability;

25. *Urges* the international community to provide, inter alia, technical assistance to support national efforts to strengthen human and institutional capacity aimed at preventing and combating corrupt practices and the transfer of proceeds of corruption and to facilitate asset recovery and the return of such proceeds in accordance with the Convention, and to support national efforts in formulating strategies for mainstreaming and promoting anti-corruption efforts, transparency and integrity in both the public and private sectors;

[5] Ibid., sect. I.A, resolution 4/1.

26. *Urges* States parties and signatories to the Convention to strengthen the capacity of legislators, law enforcement officials, judges and prosecutors to deal with matters relating to asset recovery, including in the areas of mutual legal assistance, confiscation, criminal confiscation and, where appropriate, non-conviction-based forfeiture, in accordance with domestic law and the Convention, and civil proceedings, and to give the highest consideration to providing technical assistance in these fields, upon request;

27. *Encourages* Member States to exchange and share with each other, including through regional and international organizations, as appropriate, information on lessons learned and good practices, as well as information related to technical assistance activities and initiatives in order to strengthen international efforts to prevent and combat corruption;

28. *Takes note* of the Stolen Asset Recovery Initiative of the United Nations Office on Drugs and Crime and the World Bank and its cooperation with relevant partners, including the International Centre for Asset Recovery, and encourages coordination among existing initiatives;

29. *Welcomes* the establishment of the International Anti-Corruption Academy as a centre of excellence for education, training and academic research in the anti-corruption field, including in the area of asset recovery, and looks forward to its continued efforts in this regard to promote the goals and implementation of the Convention;

30. *Takes note* of the decision by the Conference of the States Parties to the Convention to accept the offer by the Government of the Russian Federation to host its sixth session in 2015, and reiterates its appreciation for the offer by the Government of Panama to host the fifth session of the Conference in 2013;

31. *Requests* the Secretary-General, within existing reporting obligations, to include in his report to the General Assembly at its sixty-eighth session under the item on crime prevention and criminal justice a section entitled "Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption", and also requests the Secretary-General to transmit to the Assembly the report of the Conference of the States Parties to the United Nations Convention against Corruption at its fifth session.